

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE GAP, INC.,

Plaintiff,

v.

SVES GO, LLC, et al.,

Defendants.

Case No. 24-cv-04076-VC

ORDER REMANDING CASE

Re: Dkt. Nos. 14, 15

The case is remanded for lack of subject matter jurisdiction. The plaintiff is a Delaware corporation, as is one of the defendants, SVES Inc. That is apparent from the face of the complaint and further supported by the corporate registrations filed by the plaintiff. The removal notice conspicuously fails to mention SVES Inc.'s citizenship. Actually, the removal notice conspicuously ignores Delaware entirely—it only describes the plaintiff as having California citizenship and says that none of the defendants are California citizens, apparently forgetting that corporate defendants can have two states of citizenship, their principal place of business and their state of incorporation. At the Case Management Conference held to discuss this issue, the removing defendant argued for the first time that SVES Inc. was fraudulently joined, and the removing defendant asked for time to amass evidence on that point in opposition to the remand motion. But that gets the order of events wrong. The defendant cannot remove first and then figure out the reasons for removal later. Moreover, the circumstances and timeline of this removal strongly suggest that the removal was frivolous and designed to impede the state court proceedings. Thus, this case is ordered remanded to the San Francisco County Superior Court. The Clerk of the Court is ordered to close the case.

IT IS SO ORDERED.

Dated: July 23, 2024



VINCE CHHABRIA
United States District Judge